

REMARKS

Priority

The Examiner indicated that a copy of the change of inventorship document submitted to the French Patent Office was not received. A copy of that document is attached at Tab A hereto.

Allowable Subject Matter

The Examiner's identification of allowable subject matter is appreciated. Independent claims 1 and 7 have been amended to incorporate the limitations of objected-to 3 and 9, respectively, along with the limitations of any intervening claims.

Claim Rejections

1. § 102(f) Rejections

Claims 1-12 were rejected under 35 U.S.C. § 102(f) because the Examiner did not receive a copy of the change of inventorship document submitted to the French Patent Office. As indicated above, a copy of that document is being submitted herewith. Withdrawal of the § 102(f) rejection of the claims therefore respectfully is requested.

2. § 102(b) Rejections

Claims 1, 2, and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,058,325 to Baura ("Baura"). Claim 1 has been amended to incorporate the limitations of dependent claims 2 and 3, which have been canceled (without prejudice). Baura does not disclose, among other things, a sampling step involving sampling a first time, a second time, and a third time, wherein the time of the third time of sampling corresponds to twice the duration between the second time and the first time, and wherein the first time is at the beginning of the stimulation pulse. This feature, among others, is recited in claim 1, as amended, and therefore withdrawal of the § 102(b) rejection of that claim, and dependent claim 4, respectfully is requested.

3. § 103 Rejections

Claims 5 and 6

Claims 5 and 6 were rejected under 35 U.S.C. § 103 as being obvious in view of Baura. As indicated above, Baura neither discloses or suggests, among others things the sampling step recited in claim 1, as amended, from which claims 5 and 6 depend. Withdrawal of the § 103 rejection of those claims therefore respectfully is requested.

Claims 7, 8, and 10

Claims 7, 8, and 10-12 were rejected under 35 U.S.C. § 103 as being obvious in view of the combination of Baura and U.S. Patent No. 6,304,781 to Busch (“Busch”). Claim 7 has been amended to incorporate the limitations of dependent claims 8 and 9, which have been canceled (without prejudice). Even if Baura and Busch could be combined in the manner suggested by the Examiner, that combination does not disclose or suggest, among other things, a sampling step involving means for sampling a first time, a second time, and a third time, wherein the time of the third time of sampling corresponds to twice the duration between the second time and the first time, and wherein the first time is at the beginning of the stimulation pulse. This feature, among others, is recited in claim 7, as amended, and therefore withdrawal of the § 103 rejection of that claim, and dependent claims 10-12, respectfully is requested.

Conclusion

Applicant believes that all of the claims pending in the application now are in condition for allowance.

Entry of the foregoing amendments and consideration of the foregoing remarks respectfully is requested.

The Examiner is invited to call Applicant's undersigned attorney if doing so would expedite prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodger A. Sadler", is written over a horizontal line.

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